



WESTFIELD-WASHINGTON  
BOARD OF ZONING APPEALS

April 29, 2013  
1304-VU-02  
Exhibit 1

**Petition Number:** 1304-VU-02

**Subject Site Location:** 17924 US 31 North

**Petitioner:** Christopher Woodard

**Request:** The petitioner is requesting a Variance of Use from the Westfield-Washington Township Zoning Ordinance to allow a landscaping business to be permitted in the Enclosed Industrial (EI) District (WC 16.04.060.B.1).

**Current Zoning:** Enclosed Industrial (EI)

**Current Land Use:** Commercial/Office

**Approximate Acreage:** 3 acres

**Exhibits:**

1. Staff Report
2. Aerial Location Map
3. Application

**Staff Reviewer:** Kevin M. Todd, AICP

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**Petition History**

This petition was continued at the April 9, 2013 Board of Zoning Appeals (the "BZA") meeting and will receive a public hearing at the April 29, 2013 BZA meeting.

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**Property Location and Project Description**

The subject property is approximately three (3) acres in size and is located at 17924 U.S. 31 North (the "Property"). The Property is currently accessed by Park 31 Drive. The Property is zoned Enclosed Industrial (EI) and is located within the U.S. Highway 31 Overlay Zone.

This variance request is to temporarily allow a landscaping operation with outdoor storage on the Property (the "Proposal"). The petitioner has requested that the variance be valid until October 2018. The Westfield-Washington Zoning Ordinance does not permit landscaping businesses in any zoning district. The Proposal includes utilizing the existing building for a landscaping business with a new outdoor storage area for mulch and plant material. The Proposal includes screening for the mulch storage area.



The Property abuts U.S. 31 and will be directly impacted by the U.S. 31 Major Moves project. The Property is currently accessed by Park 31 Drive, which is located on the east side of the building. However, access to the Property will be relocated to the western side of the Property as a result of the U.S. 31 Major Moves project. The Property is within in the northwest quadrant of the U.S. 31 and State Road 32 future interchange. It is anticipated that the northwest quadrant of this intersection will redevelop as hospitality and service uses after the Major Moves project is completed.

The Proposal does not meet the long-term vision for the U.S. 31 corridor, nor does it meet the long-term vision for this specific area within the U.S. 31 corridor. The petitioner is aware of that fact. However, a short-term use of the Property as a landscaping business during construction of the U.S. 31 Major Moves project would provide economic benefit to the City.

Staff recommends placing a time limit on any approval of this request. The time limit should be related to the U.S. 31 construction timeline. The anticipated completion of the adjacent segment of U.S. 31 is December 31, 2015.

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### **Procedural**

A Board of Zoning Appeals shall approve or deny variances of use from the terms of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under Ind. Code § 36-7-4-918.4 only upon a determination in writing that:

1. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community:*

**Finding:** It is unlikely that allowing a landscaping business to locate on the Property for a temporary period of time would be injurious to the public health, safety, morals, and general welfare of the community. The proposal was reviewed at the March 19, 2013 Technical Advisory Committee meeting and there were no safety concerns discussed at the meeting.

2. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:*

**Finding:** It is unlikely that the use and value of adjacent property will be affected in a substantially adverse manner. The Property and its surrounding area are commercial in nature and the proposed use should not impact the surrounding properties. Feedback from adjacent property owners should provide insight regarding the impact on adjacent properties.



*3. The need for the variance of use arises from some condition particular to the property involved:*

**Finding:** The proposed use is not contemplated by Westfield-Washington Zoning ordinance and a variance is needed to allow the use anywhere in the township. The condition of the Property is such that it is, and will be, in transition until the completion of the U.S. 31 Major Moves project.

*4. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance of use is sought:*

**Finding:** The proposed use is not contemplated by Westfield-Washington Zoning ordinance and a variance is needed to allow the use anywhere in the township.

*5. The approval does not interfere substantially with the comprehensive plan:*

**Finding:** The Westfield-Washington Comprehensive Plan (the "Comprehensive Plan") includes this area in the Downtown area. The Grand Junction Plan, the Comprehensive Plan addendum for Downtown Westfield, recommends this quadrant of U.S. 31 and State Road 32 develop as hospitality uses. The proposed use of the Property for a landscaping business does not accomplish the vision; however, placing a reasonable time limit on any approval would help ensure the overall vision of the Grand Junction Plan is achieved in the future.

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**Recommendations**

Approve 1304-VU-02 based on the findings of this report, with the following conditions:

1. That the approval of this variance shall expire on December 31, 2015.
2. That any request to extend the time limit for this variance shall be reviewed and approved by the Board of Zoning Appeals prior to December 31, 2015.
3. That a new application shall be submitted by June 30, 2015 to the Community Development Department if an extension to the time limit for the variance is requested.
4. That the outdoor storage area for mulch be screened from view from U.S. 31 using opaque material.



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5. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department.